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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/705,258 | 11/10/2003 | Steven L. Ingalsbe | 1-21896 | 3208 |
| 27210 | 7590 | 05/10/2005 | EXAMINER | |
| MACMILLAN, SOBANSKI & TODD, LLC ONE MARITIME PLAZA - FOURTH FLOOR 720 WATER STREET TOLEDO, OH 43604 | | | BINDA, GREGORY JOHN | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 3679 | |

DATE MAILED: 05/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/705,258

Applicant(s)

INGALSBE ET AL.

Examiner

Greg Binda

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3679

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 April 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) 7-9 and 12-14 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6, 10, 11 and 15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on various is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|----------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>4/18/05</u> . | 6) <input type="checkbox"/> Other: _____ |

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1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Election/Restrictions

2. Claims 7-9 & 12-14 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on December 13, 2004.

Drawings

3. The replacement drawing filed April 18, 2005 is objected to because it shows modified forms of construction in the same view and because it does not correct any of the objections made of record in the prior Office action and repeated here below.

4. The drawings are objected to because they fail to show the following claim features:

- a. The components of the constant velocity joint 10 assembled as described at page 7, line 3 and as recited in the claims.
- b. A web engaging an inner surface of a cage as recited in claim 2 and in item (a) of claims 1, 10 & 15.
- c. All the limitations recited in claims 3 & 5 and in items (b) and (d) of claims 1, 10 & 15.
- d. A web engaging an inner surface of an outer member as recited in claim 4 and in item (c) of claims 1, 10 & 15.

5. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

6. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

7. Claims 1-6, 10 & 11 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which

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was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Claim 1, lines 12-16 recites that webs are formed simultaneously on surfaces of at least two previously recited claim elements (an outer race, an inner race and a cage).

Applicant has not pointed out where this claim limitation is supported, nor does there appear to be a written description of the limitation in the application as originally filed. In the application as originally filed the webs are disclosed only as being formed *alternatively* on the inner race, cage and outer race. See page 3, lines 22-24; page 6, lines 5, 6, 28 & 29; and page 8, line 1.

Claim Rejections - 35 USC § 102

8. Claim 15 is rejected under 35 U.S.C. 102(b) as being anticipated by Bright, US 1,071,693. Figs. 1, 2, 4& 5 show a constant velocity joint comprising: an outer race **A** with an opening defining an inner surface having a plurality of grooves **a1**, **a2** formed therein; an inner race **B** defining an outer surface having a plurality of grooves **b1**, **b2** formed therein; a cage **D** extending between the outer race and the inner race, the cage having an outer surface, an inner surface and a plurality of ball receiving apertures **d**, **d1**; a web **a** integrally formed on the inner surface of the outer race that engages the outer surface of the cage; and a ball **C**, **C'** disposed in each ball receiving aperture of the cage. At page 1, lines 67-69, Bright discloses that the web could be formed on the outer surface of the inner race.

9. Claim 15 is rejected under 35 U.S.C. 102(b) as being anticipated by Welschhof, US 4,156,353. Figs. 1-4 show a constant velocity joint comprising: an outer race 1 with an opening

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defining an inner surface 11 having a plurality of grooves 2 formed therein; an inner race 3 defining an outer surface 9 having a plurality of grooves 4 formed therein; a cage 6 extending between the outer race and the inner race, the cage having an outer surface 10, an inner surface 8 and a plurality of ball receiving apertures 7; a plurality of webs 19, 20 integrally formed on the outer surface of the inner race that engage the inner surface of the cage; and a ball 5 disposed in each ball receiving aperture of the cage. Figs. 2 & 4 show the webs extend generally parallel to the constant velocity joint's axis of rotation.

10. Claim 15 is rejected under 35 U.S.C. 102(b) as being clearly anticipated by DE 199 58 719.

Response to Arguments

11. Applicant's arguments filed April 18, 2005 have been fully considered but they are not persuasive.

a. Applicant argues that the drawings show every feature of the claimed invention. However, none of the drawings show the features of the claimed invention identified in the drawing objections above.

b. Applicant argues that neither Bight nor Welschhof shows a web that is integrally formed with either a race or a cage. However, as noted in the rejections above, both references show such a feature.

Conclusion

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Greg Binda whose telephone number is (571) 272-7077. The examiner can normally be reached on M-F 9:30 am to 7:00 pm with alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on (571) 272-7087. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Greg Binda
Primary Examiner
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